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Item 7 of the provisional agenda*

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

Report by the Secretariat

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I. INTRODUCTION

1. At its twelfth session (1993), the Committee on the Elimination of Discrimination against Women decided that the Secretariat should prepare every year a report on ways and means of improving the work of the Committee, containing all the information that the Secretariat believed was necessary for the consideration of the item, arising from its experience from the previous year, the comments made by members to the Secretariat or developments elsewhere in the human rights regime. It should also contain a list of States parties whose reports are to be considered, according to geographical representation and order of receipt.[1] In its resolution 51/68 of 12 December 1996, the General Assembly authorized the Committee, on an interim basis, to hold two sessions annually, and the Secretariat has decided to provide the Committee with a report on ways and means for each session.

2. The present report addresses a number of issues that build on discussions held during the sixteenth session of the Committee (13-31 January 1997), including, inter alia, the formulation of general recommendations, relations between the Committee and the specialized agencies, modalities for dealing with overdue reports, the withdrawal of reports and other practices, the relationship between the Committee and the Special Rapporteur on Violence against Women and the views of the seventh meeting of persons chairing the human rights treaty bodies (16-20 September 1996) on the participation of members of those bodies in any aspect of the review of the reports of States parties of which they are nationals. The report also introduces the final report on enhancing the long-term effectiveness of the United Nations human rights treaty system by the independent expert, Mr. Philip Alston, appointed by the Secretary-General pursuant to General Assembly resolution 43/115 of 8 December 1988 and Commission on Human Rights resolution 1989/47 of 6 March 1989.[2] The report of the independent expert has been issued to the Committee for information and comment.

3. Under agenda item 7, the Committee will also take up its draft rules of procedure. The Committee has before it a working paper[3] containing the draft rules of procedure compiled by Ms. Desiree Bernard, taking into account the comments of other members of the Committee. At its sixteenth session, the Committee authorized Ms. Mervat Tallawy to compile any further comments on the draft rules of procedure and forward them to Ms. Bernard for her consideration.

II. FORMULATION OF GENERAL RECOMMENDATIONS

4. Under article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, the Committee has the power to make suggestions and general recommendations. At its seventh session (1988), the Committee decided that its practice would be to address general recommendations to the States parties as a whole and suggestions to bodies within the United Nations system. At its tenth session (1991), the Committee decided that it would change its approach with regard to general recommendations, which had been in the form of resolutions, and move to the pattern adopted by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. It set out its

understanding of the obligations imposed by the Convention and enumerated matters that States parties should include in their reports.

5. Also at its tenth session, the Committee decided that it should prepare comments on particular articles of the Convention, which would assist in the formulation of the Committee's recommendations relating to those articles.[4] The Committee also decided that it would adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and what were described as "cross-cutting issues". Detailed examinations of articles or themes were to be formulated on the basis of the Committee's examination of States parties' reports and input from the Secretariat, the specialized agencies and other United Nations entities, as well as from interested non-governmental organizations.

6. At its eleventh session (1992), members of the Committee volunteered to prepare draft general comments on specific articles of the Convention for the consideration of the Committee at its twelfth session.[5] At its twelfth session, additional members of the Committee volunteered to prepare general comments and recommendations with regard to articles 2-8, 11 and 12.[6]

7. In accordance with the schedule established at its tenth session, the Committee concluded general recommendation 19, concerning violence against women, at its eleventh session in 1992.[7] General recommendation 21, concerning equality in marriage and family relations, was concluded at its thirteenth session (1994).[8] General recommendation 23, on women in public life, which was scheduled for consideration and conclusion by the Committee at its thirteenth session, was adopted at its sixteenth session in 1997, with a view to including it in the Committee's report on its seventeenth session in July 1997.

8. With the regularization of a second annual session, the Committee may now wish to embark on a more structured approach to the preparation of general recommendations. This would allow it to take full advantage of the expertise of its members and of possible input from the United Nations system and non-governmental organizations.

9. One member of the Committee has suggested that general recommendations be prepared by the Committee over three sessions. At the first session, one meeting would be devoted to substantive discussion of a proposed general recommendation. That meeting would be open to representatives of specialized agencies, other United Nations bodies and non-governmental organizations, which would be entitled to participate and to prepare informal background papers for the use of the Committee. The results of the discussion at those meetings would be compiled by a member of the Committee, with the assistance of the Secretariat, and produced as a working paper. The working paper would form the basis of discussion at the next session for a working group of the Committee charged with the responsibility of producing a draft general recommendation, which would then be refined by an individual expert or group of experts. The refined draft would be presented to the full Committee at the following session for adoption. The Committee may wish to discuss this proposal and other issues relating to general recommendations.

III. RELATIONS WITH SPECIALIZED AGENCIES AND OTHER UNITED NATIONS ENTITIES

10. At its sixteenth session, the Committee agreed to review its practice of nominating focal points for specialized agencies and other entities of the United Nations system at its seventeenth session. The Committee expressed the wish that the input of specialized agencies and other entities into its work within article 22 of the Convention should be more structured and country-specific. The Committee may wish to consider the elaboration of guidelines for the use of specialized agencies and other entities in this regard, as well as suggestions for strengthening dialogue and cooperation with those bodies.

11. The Committee might wish to consider other ways in which specialized agencies and other United Nations entities might contribute to its work. A number of the other treaty bodies have developed the practice of allowing representatives of United Nations entities to participate in their pre-session meetings. For example, the Human Rights Committee has invited representatives of specialized agencies to make oral presentations at its pre-sessional working group, at which the Committee conducts a preliminary review of periodic reports that are scheduled to be considered by the plenary. A similar practice has been adopted by the Committee on Economic, Social and Cultural Rights.[9] As an interim measure, the Committee might wish to consider whether the Division for the Advancement of Women should organize an informal meeting during sessions between the Committee and representatives of the specialized agencies and other bodies during which country-specific information would be presented.

IV. OVERDUE REPORTS

12. At its sixteenth session, the Committee requested that the Secretariat prepare for future sessions a list of those States parties whose reports are more than five years overdue. This list is to be found in annex I to the present report.

13. The Committee may wish to consider ways and means of addressing the issue of overdue reports. The practice of other treaty bodies has included appeals to the General Assembly to intervene,[10] letters of reminder to States parties, meetings between Committee members and permanent representatives of States parties whose reports are overdue, the release of documents listing overdue reports, reference of the matter to the meeting of States parties and publication of lists of overdue reports at the regular press conferences following treaty body meetings.

14. At its sixteenth session, the Committee agreed to allow States parties, in exceptional circumstances, to combine a maximum of two reports. The Human Rights Committee has, in very exceptional circumstances and where a report is overdue "because of material difficulties", invited the State party to send a delegation to discuss those difficulties or to submit a provisional report dealing with only certain aspects of the International Covenant on Civil and Political Rights.[11]

15. The Committee on the Elimination of Racial Discrimination has, since 1991, reviewed implementation of the Convention on the Elimination of All Forms of Racial Discrimination in those States parties whose periodic reports are overdue five years or more. The review is conducted on the basis of their previous reports or on information submitted by the relevant State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations.[12] The Committee on Economic, Social and Cultural Rights reviews States parties, even in the absence of initial reports, on the basis of all available information.

V. SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN

16. The mandate of the Special Rapporteur on violence against women was extended for a further three years by the Commission on Human Rights in its resolution 1997/44. Ms. Radhika Coomaraswamy was reappointed Special Rapporteur. At the fourteenth session in 1995, the Special Rapporteur addressed the Committee on the Elimination of Discrimination against Women, which underlined the need for strong cooperation between the Special Rapporteur and the Committee.[13]

17. In its resolution 1997/44, the Commission on Human Rights requested human rights treaty bodies to cooperate with and to assist the Special Rapporteur in the performance of her mandated tasks and duties and, in particular, to respond to requests for information on violence against women, its causes and its consequences. The Committee may wish to consider specific working procedures to strengthen cooperation between the Committee and the Special Rapporteur on violence against women. In particular, the Committee might consider whether it wishes to comment on the reports of the Special Rapporteur and, if so, procedures it may wish to develop in that regard. The Committee may also wish to consider whether it wishes to alert the Special Rapporteur to trends or patterns with regard to violence against women or particular country situations that may require investigation.

18. At its sixteenth session, the Committee recommended that relations be maintained with the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities with respect to traditional practices affecting the health of women and children. The Committee may also wish to consider specific working procedures in this regard. For example, it may wish to comment on the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children or consider its implementation as it reviews States parties' reports.

VI. PRE-SESSION WORKING GROUP

19. At its sixteenth session, the Committee decided that, on the basis of written observations of members of the Committee as well as observations of members of the pre-session working group, the pre-session working group would formulate a short list of questions concentrating on major areas of concern in relation to implementation of the Convention by the State party.

20. The Committee may wish to reflect further on the approach of the pre-session working group. In that regard, it may wish to take into account the approach of the Human Rights Committee, whose pre-session working group considers a concise list of issues drawn up by the country rapporteur or the Secretariat.

21. At the same session, the Committee decided that as from its seventeenth session, its pre-session working group would be convened at the session prior to the one at which selected States parties were to report. Written questions would be submitted to the State party at the conclusion of the pre-session working group. They would be answered in writing by the State party and would form the basis of the Committee's consideration of the State party's report.

22. Although provision was made for the Committee to move to this approach, the schedule of members made it impossible for it to be implemented as from the seventeenth session. The Committee may wish to reconsider whether it wishes, in the future, to convene its pre-session working group at the beginning or end of the previous session and if so, the timing and modalities of this change of approach.

VII. REVISION OF REPORTING GUIDELINES TO ADDRESS ORAL PRESENTATIONS BY STATES PARTIES

23. At its sixteenth session, the Committee agreed that its current guidelines should be amended to incorporate guidelines to States parties with regard to the presentation of periodic reports. Such guidelines would indicate that the State party presenting its report would address the Committee for up to one hour, with one and a half meetings being available to the Committee for consideration of the report. The Committee may wish to consider whether the method of presentation by States parties should be addressed in its reporting guidelines or whether this matter would be better incorporated into a decision of the Committee that could then be reflected in correspondence with reporting States parties.

VIII. WORKING GROUP TO CONCEPTUALIZE SEMINARS

24. At its sixteenth session, the Committee agreed that a small working group should conceptualize policy advisory services through seminars with regard to the Convention and to consider, inter alia, funding requirements. The Committee may wish to authorize this working group to develop a paper relating to proposed seminars, including the topics to be discussed, the format of the seminars and the sources of funding.

IX. WITHDRAWAL OF REPORTS AND OTHER PRACTICES

25. At its twelfth session, the Committee decided that States parties should be offered the opportunity of providing a revised or new report for the report(s) already submitted, if the national situation had changed sufficiently to warrant

the substitution. In such a case, members would review only the revised or new report and would disregard the outdated report(s).[14]

26. States parties have increasingly requested the withdrawal of outdated reports. This affects the Committee's work as new reports are frequently received and substituted very close to the date of the session at which the State party's report is to be considered. The Committee may wish to review its decision with regard to withdrawal of reports and consider modalities for receiving updated materials. As there is also a cost factor involved in translating reports, members may wish to consider requesting States parties to cover the cost of translating the updated report where outdated reports have been translated. The Committee may also wish to bring this matter to the attention of the meeting of States parties to the Convention in 1998.

X. PARTICIPATION OF TREATY BODY MEMBERS IN THE CONSIDERATION OF REPORTS OF THE STATES OF WHICH THEY ARE NATIONALS

27. At its seventh meeting, in September 1996, the meeting of persons chairing the human rights treaty bodies recommended that "members of treaty bodies refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals, or communications or inquiries concerning those States, in order to maintain the highest standards of impartiality, both in substance and in appearance."[15]

28. The Committee may wish to consider that recommendation in the context of the wider review of the practices of human rights treaty bodies. It may also wish to consider it in the light of the fact that the Human Rights Committee is currently drafting ethical guidelines for its members.

XI. REPORT OF THE INDEPENDENT EXPERT ON EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

29. The report by the independent expert considers, inter alia, medium and long-term reforms which might be considered in order to enhance the work of the treaty bodies. It considers the elimination of comprehensive periodic reports in favour of more tailored reports, cooperation with specialized agencies and other bodies and means of improving the quality of concluding comments and observations.[16]

30. At its fifty-third session, the Commission on Human Rights decided to invite the Secretary-General to solicit the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, to the Commission at its fifty-fourth session (1997/105). The Committee may wish to put forward views on that report in the light of its own experience.

XII. CONCLUDING COMMENTS

31. At its sixteenth session, the Committee on the Elimination of Discrimination against Women requested that the secretariat provide it, at each session, with the guidelines adopted by the Committee on the formulation of concluding comments. A draft of those guidelines for the Committee's consideration is attached as annex II to the present report.

XIII. REPORTS TO BE CONSIDERED AT FUTURE SESSIONS OF THE COMMITTEE

32. At its sixteenth session, the Committee decided to consider the reports of 10 States parties at its eighteenth session: 5 initial reports (Azerbaijan, Belize, Croatia, Zaire and Zimbabwe); 3 second periodic reports (Bulgaria, Equatorial Guinea and Indonesia); and 2 third periodic reports (Mexico and Republic of Korea). The Committee may also wish to consider the report of the Dominican Republic, which was originally scheduled to be taken up at the present session.

33. Taking into account order of receipt, the following are other reports awaiting consideration which have not been scheduled for review: initial reports: Czech Republic (which is an alternate for the eighteenth session), Slovakia; second periodic reports: Chile, Germany, Greece, Nigeria, Panama, Thailand and United Republic of Tanzania; third periodic reports: Austria, Belarus, China, Egypt, Finland, Germany, Greece, Nigeria, Panama, Peru, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland and United Republic of Tanzania; fourth periodic reports: Austria, China, Denmark, Peru and Sweden.

Notes

[1] Official Records of the General Assembly, Forty-eighth Session, Supplement No. 38 (A/48/38), para. 632.

[2] Two previous reports were submitted by the independent expert at the request of the General Assembly: A/44/668 and A/CONF.157/PC/62/Add.11/Rev.1.

[3] CEDAW/C/1997/WG.1/WP.1.

[4] Official Records of the General Assembly, Forty-sixth Session, Supplement No. 38 (A/46/38), para. 380.

[5] Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38), paras. 456-458.

[6] Ibid., Forty-eighth Session, Supplement No. 38 (A/48/38), paras. 645-647.

[7] Ibid., Forty-seventh Session, Supplement No. 38 (A/47/38).

[8] Ibid., Forty-ninth Session, Supplement No. 38 (A/49/38).

[9] HRI/MC/1996/2.

[10] Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18), general recommendation VI.

[11] Ibid., Fifty-first Session, Supplement No. 40 (A/51/40), para. 32.

[12] Ibid., Fifty-first Session, Supplement No. 18 (A/51/18), paras. 601-608.

[13] Ibid., Fifty-first Session, Supplement No. 38 (A/50/38), paras. 659-661.

[14] Ibid., Forty-eighth Session, Supplement No. 38 (A/48/38), para. 630.

[15] A/51/482, annex, para. 29.

[16] E/CN.4/1997/74.

Annex I

States parties the reports of which are overdue five years

State party	Date due
A. Initial reports	
Angola	17 October 1987
Bhutan	30 September 1982
Brazil	2 March 1985
Cape Verde	3 September 1982
Congo	25 August 1983
Costa Rica	4 May 1987
Dominica	3 September 1982
Grenada	29 September 1991
Guinea	8 September 1983
Guinea-Bissau	22 September 1986
Haiti	3 September 1982
Lao People's Democratic Republic	13 September 1982
Liberia	16 August 1985
Malta	7 April 1992
Nepal	22 May 1992
Saint Kitts and Nevis	25 May 1986
Saint Lucia	7 November 1983
Sierra Leone	11 December 1989
Togo	26 October 1984
Trinidad and Tobago	11 February 1991
B. Second periodic reports	
Angola	17 October 1991
Bhutan	30 September 1986
Brazil	2 March 1989
Cape Verde	3 September 1986
Congo	25 August 1987
Costa Rica	4 May 1991
Dominica	3 September 1986
Gabon	20 February 1988
Guinea	8 September 1987
Guinea-Bissau	22 September 1990
Guyana	3 September 1986
Haiti	3 September 1986
Iraq	12 September 1991
Ireland	22 January 1991
Jamaica	18 November 1989
Lao People's Democratic Republic	13 September 1986
Liberia	16 August 1989
Malawi	11 April 1992
Mali	10 October 1990

State party	Date due
Saint Kitts and Nevis	25 May 1990
Saint Lucia	7 November 1987
Togo	26 October 1988
Uruguay	8 November 1986
Viet Nam	19 March 1987

C. Third periodic reports

Bhutan	30 September 1990
Cape Verde	3 September 1990
Congo	25 August 1991
Dominica	3 September 1990
El Salvador	18 September 1990
Gabon	20 February 1992
Guatemala	11 September 1991
Guinea	8 September 1991
Guyana	3 September 1990
Haiti	3 September 1990
Lao People's Democratic Republic	13 September 1990
Mongolia	3 September 1990
Saint Lucia	7 November 1991
Sri Lanka	4 November 1990
Uruguay	8 November 1990
Viet Nam	19 March 1991
Yugoslavia	28 March 1991

Annex II

Proposed procedures and format for the elaboration of concluding comments

1. The Committee's practice is to designate a main country rapporteur and a back-up rapporteur for the report of each State party.

2. The country rapporteur seeks additional information both on initial and subsequent reports about the country under review. Findings are presented as an introduction to the report at a closed meeting before the State party's presentation, but the concluding comment drafted thereafter reflects only the views expressed at the meetings during which the report is presented, rather than the views of the individual rapporteur.

3. The Committee holds a closed meeting after the constructive dialogue with each State party in order to consider the main issues and tendencies to be reflected in the concluding comment relating to the report of the State party.

4. The expert nominated as main country rapporteur drafts the comment in close collaboration with the back-up rapporteur, the general rapporteur of the Committee and the secretariat.

5. Concluding comments usually follow a standard format under five headings: Introduction, Factors and difficulties, Positive aspects, Principal areas of concern and Recommendations and suggestions.

6. The "Introduction" section includes information on whether the report has followed the Committee's guidelines, whether it was sufficient or insufficient, whether it incorporates statistical information disaggregated by sex and the nature and quality of the oral report. An objective indication of the strengths of the report and the level of the delegation is to be included.

7. The "Factors and difficulties" section describes major areas of the Convention on the Elimination of All Forms of Discrimination against Women that have not been implemented by States parties. This section addresses whether the Convention is self-executing and whether legislation has been put in place to give effect to the Convention, as well as overarching social factors, such as tradition and cultural and behavioural patterns. This section also includes general factors such as the impact of economic factors, including structural adjustment, and political factors, such as transition and new forms of governance on the women of the State party under review. Any reservations to the Convention are addressed in this section."

8. The "Positive aspects" section is organized in the order of the articles of the Convention.

9. The "Principal areas of concern" section is organized in the order of the importance of the particular issues to the country under review.

10. The "Recommendations and suggestions" section provides concrete solutions from the Committee to the problems identified in the rest of the comment.

11. Concluding comments also include reference to any commitments of the State party made at the Fourth World Conference on Women (4-15 September 1995) and follow-up action. Each concluding comment closes with a recommendation relating to the dissemination of the Convention, the reports and the concluding comment. Concluding comments are internally balanced, and the Committee strives to achieve consistency and balance, particularly in terms of praise and expressions of concern, among the concluding comments elaborated at each session.

Notes

[4] The Committee had decided at its thirteenth session that it would include in its concluding observations, prepared following the review of reports of States parties, a section in which the Committee's views on reservations would be reflected (See Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), para. 10).